HIGH COURT OF UTTARANCHAL AT NAINITAL

(Court's order whether the case is or nor approved for reporting.)

(Chapter VIII Rule 32 (2) (b)

Description of the case.

W.P. No. 1768/05 (S/S)
MOhan Chandra and others.
Vs.
State and others.

Approved for reporting.

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~~Not approved for reporting.~~

Date of decision 23.02.2006

Initial of Judge

HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1768 of 2005 (SS)

1. Mohan Chandra s/o Late Sri Hari Dutt
2. Devi Dutt s/o late Sri Dungar Dev
3. Narayan Dutt son of Sri Laxmi Dutt
   All serving as Beldar in Provisional Division,
   Lok Nirman Vighag, Nainital ..... Petitioners

Versus

1. State of Uttaranchal
2. Chief Engineer Level- 1, Lok Nirman Vibhag Uttaranchal
3. Superintendent Engineer, Provincial Division Lok Nirman Vibhag, Nainital
4. Executive Engineer, Provincial Division, Lok Nirman Vibhag, Nainital ..... Respondents

Sri Vinay Upadhyay, Advocate for the petitioner
Standing counsel for the respondents.

Dated: 23.2.2006

Hon'ble Rajesh Tandon, J.

Heard Sri Vinay Upadhyay, counsel for the petitioners and the Standing counsel for the respondents.

By the present writ petition, the petitioners have prayed for a writ of mandamus directing the respondents to pay the entire arrears of salary to the petitioners from the date on which their services were regularized i.e. 5.8.1999 and 9.8.1999 and also to pay the due salary and other emoluments admissible to a regular work charge employees.

Briefly stated the petitioners were engaged as Beldar on daily wages in the Lok Nirman Vibhag, Nainital. The engagement

of the petitioners were converted into that of a work charge establishment of the Department in the year 1985 to 1988. Thereafter the petitioners continued to work in the Department as work charge employees. In pursuance of G.O. dated 15.10.1997 a selection committee was constituted for regularization of the temporary work charge employees. The petitioners appeared before the selection Committee and the services of the petitioners were regularized in the pay scale 2550-3200 on 5.8.1999 and 9.8.1999 by the respondent no. 4. Thereafter the respondent no. 4 vide Office Order dated 21.4.2000 cancelled the aforesaid orders of regularization against which the petitioners preferred a writ petition no. 1437 of 2003 before this Court. The writ petition was allowed vide order dated 25.11.2003 and the order dated 21.4.2000 passed by the respondent was set aside. In compliance of the order of the Court respondent No. 4 vide Office Order dated 24.4.2004 granted salary to the petitioner of a regular work charge establishment.

The grievance of the petitioners is that although their services have been regularised by the respondents in compliance of the Court's order but their pay fixation has not been done according to rules and they are not being paid salary and other service benefits as per rules. On 17.11.2005 the petitioners made a joint representation to the respondent no. 4 to pay salary and arrears of salary to the petitioners but no payment was made to them as yet.

In view of above, a writ of mandamus is issued directing the respondent No. 4 to fix the pay of the petitioners according to Rules on the date of their regularization and pay salary and its arrears to them within two weeks after the receipt of certified

copy of this order failing which the petitioners shall be entitled to get interest @ 6% per annum on this amount.

Accordingly, the writ petition is allowed. No order as to costs.

Rajesh Tandon, J.

Dated: 23.2.2006

Rathour